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REMARKS

As a preliminary matter, Applicant has amended the Specification to correct the cited typographical error, and has amended Claim 4 to correct the antecedent basis. Withdrawal of the objection is requested in view of the amendments.

Claims 1-4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. 2003/0137418, now U.S. 6,650,240) in view of Maloney (U.S. 2004/0095241). Applicant respectfully traverses the rejection as follows.

As a preliminary matter it appears that Lee U.S. 2003/0137418 has issued as U.S. 6,650,240. It is unclear why the Examiner has cited the publication rather than the issued patent.

The claimed invention operates in a patentably distinct manner from either of the cited references. Claim 1 recites, inter alia, that the radio tag transmits a first radio frequency signal at periodic intervals, e.g., a "heart beat". The receiver expects to receive the first radio frequency signal at the predetermined periodic intervals, and triggers a signaling device if the first radio frequency signal is not received within the predetermined interval.

In contrast, Lee discloses a monitoring system in which the user initiates the polling of the tracked articles. The article checking mode is activated when the case is closed, either by the user or upon the activation of a micro switch when the case is closed. See, paragraph

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[0021]. The Examiner has relied upon paragraph [0022] in asserting that Lee has an automatic mode. However, this reliance on Lee was misplaced since it is apparent from paragraph [0021] that "automatic or at a predetermined time interval" refers to polling which occurs when the micro switch is activated, i.e., when the case is closed. Applicant respectfully refers the Examiner to the example provided in paragraph [0022] which reads "For example, if a briefcase or suitcase is checked in as baggage on a flight, then following retrieval of the case its owner may activate the checking mode to confirm the presence of all registered articles." When read in context it is clear that Lee fails to disclose polling the monitored articles at regular intervals as recited in claims 1 and 3.


Moreover, Lee discloses a call-and-response system in which the processor issues a call "are you there" and the monitored article responds "I am here". In contrast, Claims 1 and 3 recite a system in which the monitored article automatically issues its heartbeat "here I am" signal, i.e., transmission of the first radio signal does not depend on an inquiry from the receiver.

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It is believed that the above Remarks represent a complete response to the Office Action and that the Application is now in condition for allowance, and such favorable determination is requested.

Respectfully submitted,

By


Jonathan D. Feuchtwang, Esq.
Registration No. 41,017

May 4, 2005
150 North Wacker Drive
Suite 1825
Chicago, Illinois 60606